

## **REMARKS**

The Examiner has objected to the terms “automatic” and “automatically”. Although these terms are not specifically used in the detailed description, it is quite clear that the elements that are referred to are performed automatically. None the disclosed enhancement algorithms (e.g., exposure adjustment, tone scale adjustment, color adjustment, sharpening, noise reduction, and red-eye correction) include any steps requiring user intervention, nor do they call for any user intervention, and they are therefore automatic. Such algorithms generally work by analyzing the image and automatically determining the adjustments that should be made to improve the quality of the image. Clearly one skilled in the art would recognize that there is no user intervention in the claimed automatic enhancement algorithm nor in its application.

Claims 1-4, 6-19, and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gruzdev (US Pub. No. 20030002095) in view of Higgins et al. (US Pat. No. 5835627). Claims 5 and 20 were rejected as unpatentable over Gruzdev (US Pub. No. 20030002095) in view of Higgins et al. (US Pat. No. 5835627) further in view of Capitant(US Pat. No. 5,321,500). Applicants respectfully traverse the rejection.

The present invention calls for identifying the color space of the digital image to be image enhanced and transforming the color space to a reference color space, which is different from the color space of the digital image. Our proposed claims further call for automatically modifying the image enhancement algorithm or automatically selecting a version thereof based on the original color space of the digital image. Thereafter, the color transformed digital image is then automatically enhanced with the modified or a selected version of the automatic image enhancement algorithm.

Gruzdev, in contrast, merely discloses correcting or modifying a range of colors represented within the original color space of a digital image. Applicant submits that Gruzdev fails to disclose converting the original color space to a different color space, let alone automatically modifying the enhancement algorithm based on the original color space of the input digital image.


The Examiner is essentially interpreting Gruzdev’s color replacement process itself as the claimed color space transforming process and the

claimed automatic image enhancement process. Independent claims 1 and 16, however, now specifically state that the adjustment of the automatic image enhancement algorithm is performed separate from and after the application of the color space transformation. Gruzdev, taken singly or in combination with the art of record, fails to disclose or suggest this feature of the claimed invention.

Applicants note the burden of establishing a prima facie case of obviousness is laid upon the shoulders of the examiner. Absent a specific showing supported by reasoned argument as to how the references of record would suggest the adjustment of the automatic image enhancement algorithm is performed separate from and after the application of the color space transformation, the rejection of the claims as being obvious under 35 U.S.C. § 103(a) cannot be maintained.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.